



**Legislative Bulletin.....June 14, 2004**

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**H.R. 4061**—Assistance for Orphans and Other Vulnerable Children in Developing Countries Act

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**Summary of the Bills Under Consideration Today:**

Total Number of New Government Programs: 4

*Year to Date Prior to Today's Bills:* 19

Total Cost of Discretionary Authorizations: At least \$330 million over five years

*Year to Date Prior to Today's Bills:* At least \$651.64 billion<sup>#</sup> over five years

Total Amount of Revenue Reductions: \$102 million over five years

*Year to Date Prior to Today's Bills:* \$118.4 billion over five years

Total Change in Mandatory Spending: \$0

*Year to Date Prior to Today's Bills:* \$10.4 billion over five years

Total New State & Local Government Mandates: 0

*Year to Date Prior to Today's Bills:* 15<sup>#</sup>

Total New Private Sector Mandates: 0

*Year to Date Prior to Today's Bills:* 13

<sup>#</sup> This figure does not include H.R. 3873, the Child Nutrition Improvement and Integrity Act.

**H.R. 2055—To amend Public Law 89-366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore (Jones of North Carolina)**

**Order of Business:** The bill is scheduled for consideration on Monday, June 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 2055 would adjust the number of free roaming horses permitted in Cape Lookout National Seashore, North Carolina, from 100 free roaming horses to not less than 110 free roaming horses with a target population of between 120 and 130. The bill would not permit the removal of the horses unless removal is carried out as part of a plan to maintain the viability of the herd.

**Additional Background:** Established in 1966, Cape Lookout National Seashore, a 56-mile long section of the Outer Banks, includes three undeveloped barrier islands--North Core Banks, South Core Banks, and Shackleford Banks. The National Parks Service administers the National Seashore. A herd of free-ranging horses known as the "Shackleford herd" is part

of the natural environment of the Seashore. In 1998 Congress passed legislation requiring annual reports on the status of the herd, and in April 1999, a Memorandum of Understanding was signed between the National Park Service and the Foundation of Shackleford Horses for joint management of the horses. In 2002, the Superintendent of the Cape Lookout National Seashore and the Friends of Shackleford Horses agreed that the population of the horses should never fall below 110 horses for scientific reasons, such as genetic diversity.

**Committee Action:** The Subcommittee on National Parks, Recreation and Public Lands favorably reported H.R. 2055 by voice vote on September 23, 2003. On September 24, 2003, the full Resources Committee forwarded the bill to the House by unanimous consent.

**Administration Position:** The National Parks Service testified on June 24, 2003, that it supported the efforts of H.R. 2055, but recommended a change to the bill (delete “with a target population of between 120 and 130” and insert, “allowing periodic population expansion of the herd to a maximum of 130 horses”). This change has not been made.  
<http://resourcescommittee.house.gov/archives/108/testimony/smith2055.htm>

**Cost to Taxpayers:** The Congressional Budget Office estimates that the bill would have no significant cost.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** The Committee on Resources, in House Report 108-298, cites Article I, Section 8, and Article IV, Section 3, but fails to cite specific clauses.

**Staff Contact:** Lisa Bos, [lisa.bos@mail.house.gov](mailto:lisa.bos@mail.house.gov), (202) 226-1630

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## **H.R. 3378—Marine Turtle Conservation Act of 2003 (Gilchrest)**

**Order of Business:** The bill is scheduled for consideration on Monday, June 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 3378 would direct the Secretary of the Interior to establish a program to support activities to protect and conserve marine turtles. The Marine Turtle Conservation Fund would provide financial assistance to eligible government agencies, international or foreign organizations, or private entities engaged in marine turtle conservation activities. The bill authorizes \$5 million per year for fiscal years 2005-2009 for the fund.

**Committee Action:** The Subcommittee on Fisheries Conservation, Wildlife and Oceans favorably reported H.R. 3378 by voice vote on April 22, 2004. On May 5, 2004, the full Resources Committee forwarded the bill to the House by unanimous consent.

**Administration Position:** The Administration testified in support of the bill:  
<http://resourcescommittee.house.gov/archives/108/testimony/2004/marshalljones.htm>.

**Cost to Taxpayers:** The Congressional Budget Office estimates that H.R. 3378 would cost \$24 million over the 2005-2009 period, assuming appropriation of the authorized amounts.

**Does the Bill Create New Federal Programs or Rules?:** Yes, the bill establishes a new marine turtle conservation program.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** The Committee on Resources, in House Report 108-507, cites Article I, Section 8, but fails to cite a specific clause.

**Staff Contact:** Lisa Bos, [lisa.bos@mail.house.gov](mailto:lisa.bos@mail.house.gov), (202) 226-1630

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## **S. 1663—To replace certain Coastal Barrier Resources System maps (Sen. Dole)**

**Order of Business:** The bill is scheduled for consideration on Monday, June 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

The Senate passed S. 1663 by unanimous consent on November 6, 2003.

**Summary:** S. 1663 authorizes the replacement of the two original official maps subtitled “NC-07P” relating to the Coastal Barrier Resources System Cape Fear Unit NC-07P, that are included in the set of maps entitled “Coastal Barrier Resources System” with two new official maps. The new maps would reflect corrections that exclude 49 acres of privately owned property and include 5,961 acres of additional “otherwise protected area” federal and state land.

**Additional Background:** Responding to a request to look into cases of private lands being included in the NC-07P protected area, the U.S. Fish and Wildlife Service (USFWS) conducted research of the administrative record that identified several inconsistencies with what the USFWS believes to be the original intent of the area boundaries. S. 1663 reflects the findings of the USFWS review of the NC-07P unit, which found that the 1990 map was inaccurate.

**Committee Action:** S. 1663 was referred to the Committee on Resources, but has not been considered.

**Administration Position:** According to the Senate Environment and Public Works Committee, the Administration supports S. 1663.

**Cost to Taxpayers:** The Congressional Budget Office estimates that the bill would have no significant impact on the federal budget.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** Senate Committee reports are not required to cite constitutional authority.

**Staff Contact:** Lisa Bos, [lisa.bos@mail.house.gov](mailto:lisa.bos@mail.house.gov), (202) 226-1630

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## **H.R. 2010—To protect the voting rights of members of the Armed Services in elections for the Delegate representing American Samoa in the United States House of Representatives (*Faleomavaega*)**

**Order of Business:** The bill is scheduled to be considered on Monday, June 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 2010 would require that only a plurality of votes is necessary in American Samoa to elect a Delegate to the U.S. House of Representatives (current law requires a majority). Requiring a general-election plurality would eliminate the need for run-off elections two weeks after the general election, as in current law. The legislature of American Samoa could (but does not *have to*) provide for primary elections for the selection of a Delegate. If there *are* primary elections, then the Delegate would have to be elected by a majority of the votes cast in the general election.

**Additional Background:** According to the “findings” in the legislation, the current practice of holding a run-off election (if necessary) two weeks after a general election tends to deprive members of the Armed Forces on active duty and other overseas voters of the opportunity to make a final choice for Delegate in American Samoa.

The legislation also finds as follows: “Given that 49 states elect their Representatives to the United States House of Representatives by plurality, it is in the national interest for American Samoa to do the same until such time as the American Samoa Legislature establishes primary elections and declares null and void the local practice of requiring members of the Armed Forces on active duty and other overseas voters to register in person which is contrary to the federal Uniformed and Overseas Citizens Absentee Voting Act.”

**Committee Action:** On May 5, 2004, the Resources Committee marked up and by unanimous consent ordered the bill reported to the full House.

**Cost to Taxpayers:** CBO confirms that this legislation would not affect the federal budget.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** The Resources Committee, in House Report 108-515, cites constitutional authority in Article I, Section 8 (general powers of Congress—no specific clause cited), and in Article IV, Section 3 (the congressional power to make laws regarding the territories). Clause 3 of House Rule XIII, Section d(1), requires that all committee reports contain “a statement citing the specific powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.”

**RSC Staff Contact:** Paul S. Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718

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## **H.R. 4103—AGOA Acceleration Act of 2004 (Thomas)**

**Order of Business:** The bill is scheduled to be considered on Monday, June 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 4103 would extend through September 30, 2015, and modify the trade benefits under the African Growth and Opportunity Act (AGOA; Public Laws 106-200 and 107-210), which is aimed at expanding trade between the United States and sub-Saharan Africa (while encouraging economic reforms in that part of Africa). The duty-free treatment of thousands of goods is currently set to expire on September 30, 2008.

The bill would make a variety of clarifying changes to AGOA to extend certain sub-provisions and benefits within AGOA and to expand the number of items eligible for preferential trade treatment—especially with regards to textiles and apparel. One such example is the bill’s provision that AGOA-eligible products may continue to be made from materials from countries that are no longer AGOA beneficiaries because they have entered into a bilateral free trade agreement with the United States. Another example is the raising of the current *de minimis* level of 7% for non-AGOA originating fibers and yarns in allowed to be in apparel under AGOA to 10%. Further, the bill would extend duty-free benefits retroactively to October 1, 2000, to apparel that was knit-to-shape in an AGOA-eligible country.

Within a year of enactment, the President would have to report to Congress on: 1) the sectors of each eligible sub-Saharan African country's economy that show the greatest potential for growth, 2) any trade barriers that may exist, and 3) any recommendations on how the federal government and the private sector could provide technical assistance to remove these barriers. The President would also have to encourage the development of infrastructure projects that will help to increase trade capacity and a sustainable “ecotourism” industry in eligible sub-Saharan African countries. (Ecotourism is tourism designed to promote conservation.)

Furthermore, the President would have to develop policies to encourage investment in infrastructure projects that support the development of roads, railways, and ports; the energy and telecommunications sectors; modern communication technologies; and agriculture processing and capacity enhancement. The President would be required to foster improved coordination between customs services at ports and airports in the U.S. and sub-Saharan countries to reduce time in transit and increase efficiency and safety procedures. Lastly, the President would be directed to assign at least twenty full-time staff for the purpose of providing need-based agricultural technical assistance to certain AGOA countries, based on their potential to increase marketable agricultural products.

H.R. 4103 would express a statement of policy that supports expanded trade between the U.S. and sub-Saharan Africa, reduced trade barriers, development of sub-Saharan Africa's physical and financial infrastructure, international efforts to fight HIV/AIDS, malaria, tuberculosis, other infectious diseases, and other serious public health problems, and a host of goals regarding economic and political development. The bill would also express a sense of Congress that sub-Saharan countries participate more in the World Trade Organization.

Further, the bill expresses a sense of the Congress that the relevant federal agencies should interpret, implement, and enforce the provisions of the African Growth and Opportunity Act relating to preferential treatment of textile and apparel articles broadly in order to maximize imports of such articles from eligible sub-Saharan countries.

**Additional Background:** There are currently 37 countries eligible for AGOA benefits.

**Committee Action:** On May 5, 2004, the Ways & Means Committee marked up and by voice vote ordered the bill favorably reported to the full House.

**Administration Position:** On March 11, 2004, Ambassador Zoellick testified before the Ways & Means Committee and stated the Administration's support for "legislation on AGOA that will accelerate its gains, including by extending provisions and enabling countries to take full advantage of AGOA through enhanced technical assistance." In response to questions about extension of the third country fabric benefits of AGOA, Ambassador Zoellick stated that a one-year extension would not be enough.

**Cost to Taxpayers:** CBO reports (using static analysis) that H.R. 4103 would reduce revenues by \$3 million in FY2004 and by \$102 million over the FY2004-FY2008 period. Additionally, the bill would authorize appropriations of \$2 million each fiscal year.

**Does the Bill Create New Federal Programs or Rules?:** No, it extends and expands current trade law.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** The Ways & Means Committee, in House Report 108-501, cites constitutional authority in Article I, Section 8, Clause 1 (congressional power to lay and collect taxes, duties, imposts, and excises).

**RSC Staff Contact:** Paul S. Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718

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## **H.J.Res. 97—Approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003 (*Lantos*)**

**Order of Business:** The resolution is scheduled for consideration on Monday, June 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.J.Res. 97 approves the renewal of the import restrictions that were included in the Burmese Freedom and Democracy Act of 2003 (P.L. 108-61). These restrictions prevent any article from being imported into the United States that is “produced, mined, manufactured, grown, or assembled” in Burma. To view the RSC legislative bulletin on the Burmese Freedom and Democracy Act of 2003, click here: <http://johnshadegg.house.gov/rsc/LB71403.pdf>.

**Additional Background:** H.R. 2330, the Burmese Freedom and Democracy Act of 2003, passed the House of Representatives on July 15, 2003, by a vote of 418-2, one member voting present (<http://clerk.house.gov/evs/2003/roll361.xml>).

**Committee Action:** H.J.Res. 97 was referred to the Ways and Means Committee, but was not considered.

**Cost to Taxpayers:** The resolution authorizes no expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Staff Contact:** Lisa Bos, [lisa.bos@mail.house.gov](mailto:lisa.bos@mail.house.gov), (202) 226-1630

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## **H.R. 3658—Stroke Treatment and Ongoing Prevention Act (*Capps*)**

**Order of Business:** The bill is scheduled for consideration on Monday, June 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 3658 authorizes the Secretary of the Department of Health and Human Services (HHS) to carry out an education and information campaign to promote stroke prevention and increase the number of stroke patients who seek immediate treatment. The

Secretary is authorized to (1) make public service announcements about the warning signs of stroke and the importance of treating stroke as a medical emergency; (2) provide education regarding ways to prevent stroke and the effectiveness of stroke treatment; and, (3) carry out other activities that will promote prevention practices among the general public and increase the number of stroke patients who seek immediate care. The Secretary must avoid duplicating existing stroke education efforts by other Federal agencies.

The bill also reauthorizes the Paul Coverdell National Acute Stroke Registry and Clearinghouse at the Centers for Disease Control and Prevention (CDC), authorizing funding of \$5 million per year for fiscal years 2005-2009.

H.R. 3658 establishes two new grant programs. The first new program authorizes the Secretary to make grants to public and nonprofit entities for the purpose of planning, developing, and enhancing approved residency training programs and other training for appropriate health professions in emergency medicine to improve stroke and traumatic injury prevention, diagnosis, treatment, and rehabilitation. The second new program authorizes the Health Resources and Services Administration (HRSA) to make grants to a consortium of public and private entities for the development and implementation of education programs for appropriate health care professionals in the use of newly developed diagnostic approaches, technologies, and therapies to treat stroke or traumatic injury. The bill authorizes \$4 million per year for fiscal years 2005-2009.

In addition, H.R. 3658 establishes a five-year pilot project to improve stroke patient outcomes by coordinating health care delivery through existing telehealth networks. The Secretary is authorized to make up to seven grants to states or a consortium of states or political subdivisions for a period of up to three years over fiscal years 2005-2009. The pilot project is authorized at \$10 million for fiscal year 2005, \$13 million for fiscal year 2006, \$15 million for fiscal year 2007, \$8 million for fiscal year 2008, and \$4 million for fiscal year 2009.

**Additional Background:** Stroke is the third leading cause of death in America and a major contributor to long-term disability. A stroke occurs when the blood supply to part of the brain is suddenly interrupted (ischemic) or when a blood vessel in the brain bursts, spilling blood into the spaces surrounding the brain cells (hemorrhagic). The American Heart Association reports that 700,000 Americans suffer from a stroke each year and nearly 170,000 die annually. They estimate that on average someone suffers a stroke every 45 seconds and every 3 minutes someone dies from a stroke.

**Committee Action:** The Subcommittee on Health favorably reported H.R. 3658 by voice vote on January 28, 2004. The full Energy and Commerce Committee reported the bill by voice vote to the House on March 3, 2004.

**Possible Conservative Concerns:** Conservatives may have concerns that the bill establishes three new programs.

**Cost to Taxpayers:** The Congressional Budget Office estimates that implementing H.R. 3658 would cost \$6 million in 2005 and a total of \$81 million from 2005 through 2009.

**Does the Bill Create New Federal Programs or Rules?:** Yes, the bill establishes three new grant programs.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** The Energy and Commerce Committee, in House Report 108-453, cites Article I, Section 8, Clause 3 (commerce clause).

**Staff Contact:** Lisa Bos, [lisa.bos@mail.house.gov](mailto:lisa.bos@mail.house.gov), (202) 226-1630

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### **H.Con.Res. 405—Expressing the sense of Congress with respect to the need to provide prostate cancer patients with meaningful access to information on treatment options (Deal)**

**Order of Business:** The resolution is scheduled for consideration on Monday, June 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Con.Res. 405 expresses the sense of Congress that:

“(1) national and community organizations and health care providers have played a commendable role in supplying information concerning the importance of screening for prostate cancer and the treatment options for patients with prostate cancer; and  
“(2) the Federal Government and the States have a moral responsibility to ensure that health care providers supply prostate cancer patients with appropriate information and any other tools necessary for prostate cancer patients to receive readily understandable descriptions of the advantages, disadvantages, benefits, and risks of all medically efficacious treatments for prostate cancer, including brachytherapy, hormonal treatments, external beam radiation, chemotherapy, surgery, and watchful waiting.”

**Additional Background:** According to the resolution, it is estimated that approximately 230,000 new cases of prostate cancer will be diagnosed in the United States, and nearly 30,000 men in the United States will die from prostate cancer in 2004. Prostate cancer is the second leading cause of cancer death in men in the United States and over \$4,700,000,000 is spent annually in the United States in direct treatment costs for prostate cancer

**Committee Action:** The resolution was referred to the Committee on Energy and Commerce, but was not considered.

**Cost to Taxpayers:** The resolution does not authorize any expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Staff Contact:** Lisa Bos, [lisa.bos@mail.house.gov](mailto:lisa.bos@mail.house.gov), (202) 226-1630

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**H.R. 4322 — To provide for the establishment of the headquarters for the Department of Homeland Security in the District of Columbia, to require the transfer of administrative jurisdiction over the Nebraska Avenue Naval Complex in the District of Columbia to serve as the location for the headquarters, to facilitate the acquisition by the Department of the Navy of suitable replacement facilities, and for other purposes (Hunter) **As introduced****

**Order of Business:** The bill is scheduled for consideration on Monday, June 14, 2004, under a motion to suspend the rules and pass the bill.

**Summary:** The bill authorizes the establishment of the headquarters of the Department of Homeland Security (DHS) in the Nebraska Avenue Naval Complex, and authorizes the DHS Secretary to pay “all reasonable costs” related to relocation, including rental costs for the first year. Such sums as may be necessary are authorized for FY05-07. The jurisdiction of the facility is transferred from the Navy to DHS, except for a portion of the complex that includes Navy family housing. The bill states it is the sense of Congress that the Navy should be paid from other federal agencies for costs incurred to permanently relocate from the Navy complex. The Navy is authorized to use funds received for a military construction project to permanently relocate, after notifying Congress in writing of the estimate and justification for the project.

Three years after transferring the complex to DHS, the Secretary of the Navy is required to submit a report to Congress specifying total relocation costs and amounts received from DHS. The bill states that if DHS does not provide sufficient funds to cover Navy relocation costs, GSA “shall restore the Complex to the administrative jurisdiction of the Secretary of the Navy,” and the Navy shall sell the complex by competitive sale.

**Committee Action:** The bill was introduced on May 11, 2004, and referred to the House Committee on Armed Services. The committee did not consider the bill.

**Cost to Taxpayers:** Based on information provided by the Navy, **CBO estimates that the bill authorizes approximately \$102 million over the 2005-2009 period** (\$26 million to relocate the Navy and lease alternate, interim facilities for one year, and \$75 million over five years for the cost of construction and renovation at the Nebraska Avenue Naval Complex to meet DHS requirements for its headquarters).

**Does the Bill Create New Federal Programs or Rules?:** The bill authorizes the transfer of a Navy complex to the new Department of Homeland Security.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** A Committee Report citing authority is unavailable.

**Staff Contact:** Sheila Moloney, [sheila.moloney@mail.house.gov](mailto:sheila.moloney@mail.house.gov); 202-226-9719.

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**H.R. 4323—To amend title 10, United States Code, to provide rapid acquisition authority to the Secretary of Defense to respond to combat emergencies (Hunter)**

**Order of Business:** The bill is scheduled to be considered on Monday, June 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 4323 would authorize the Secretary of Defense to develop and use new, expedited procedures to acquire up to \$100 million a year in equipment needed by a combatant commander to eliminate a combat capability deficiency (as verified by the Secretary in writing) that has resulted in combat fatalities.

The expedited procedures would have to include:

- A requirement that the procedures could be used only to acquire the minimum amount of equipment needed until the needs of the combatant commander can be fulfilled under existing acquisition statutes, policies, directives, and regulations;
- A goal of awarding a contract for the equipment within fifteen days after receipt of a request from a commander;
- In a case in which the equipment could not be acquired without an extensive delay, a requirement for an interim solution to minimize the combat capability deficiency and combat fatalities until the equipment could be acquired; and
- Waivers of the applicability of all policies, directives, and regulations related to the establishment of the requirement for the equipment; the research, development, test, and evaluation of the equipment; and the solicitation and selection of sources, and the award of the contract, for procurement of the equipment. (H.R. 4323 provides that these items could be waived under law.)

H.R. 4323 would authorize no new funds. For acquisitions under this legislation to be made during any fiscal year, the Secretary would have to use funds already made available to the Department of Defense for that fiscal year.

**Committee Action:** On March 12, 2004, the Armed Services Committee marked up and by voice vote ordered the bill favorably reported to the full House.

**Cost to Taxpayers:** The bill would authorize no new funds.

**Does the Bill Create New Federal Programs or Rules?:** It would create a new rapid acquisition authority for the Secretary of Defense.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** Although a committee report citing constitutional authority is unavailable, Article I, Section 8, Clause 1 grants Congress the power to provide for the common defense and general welfare of the United States; and Article I, Section 8, Clause 12 grants Congress the power to “raise and support” armies.

**RSC Staff Contact:** Paul S. Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718

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**H.Con.Res. 439—Honoring the members of the Army Motor Transport Service that served during World War II and participated in the trucking operation known as the Red Ball Express for their service and contribution to the Allied advance following the D-Day invasion (*Johnson, Eddie Bernice*)**

**Order of Business:** The resolution is scheduled for consideration on Monday, June 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Con.Res. 439 resolves that Congress “honors the members of the Army Motor Transport Service that served during World War II and participated in the trucking operation known as the Red Ball Express for their service and contribution to the Allied advance following the D-Day invasion.”

**Additional Background:** On August 21, 1944, the Army Transportation Corps created a trucking operation called the Red Ball Express, a massive 82-day convoy effort that supplied the Allied armies moving through Europe after the successful D-Day invasion. By the time the Red Ball Express ended in November 1944, Red Ball Express truckers had delivered nearly 500,000 tons of fuel, ammunition, food, and other essentials needed for the Allied forces to succeed in Europe. The resolution notes that the majority of Red Ball Express drivers were African-Americans.

**Committee Action:** The resolution was referred to the Committee on Armed Services but was not considered.

**Cost to Taxpayers:** The resolution does not authorize any expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Staff Contact:** Lisa Bos, [lisa.bos@mail.house.gov](mailto:lisa.bos@mail.house.gov), (202) 226-1630

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## **H.Res. 653—Honoring former President George Herbert Walker Bush on the occasion of his 80<sup>th</sup> birthday (Hall)**

**Order of Business:** The resolution is scheduled for consideration on Monday, June 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 653 resolves that the House “honors former President George H.W. Bush on the occasion of his 80th birthday on June 12, 2004, extends its congratulations and best wishes to him and to his family, former First Lady Barbara Bush, and his children, President George W. Bush, the Honorable Jeb Bush, Neil Bush, Marvin Bush, and Dorothy Bush Coch, and pays tribute to his lifetime of service on behalf of the Nation.”

**Additional Background:** The resolution includes various findings detailing the service of former President George H.W. Bush to the nation, including:

- during World War II, he “answered the call to duty by enlisting in the armed forces on his 18th birthday, becoming the youngest pilot in the Navy when he received his wings, and flying 58 combat missions, including being shot down by Japanese antiaircraft fire and rescued by a United States submarine, for which he was awarded, among other decorations, the Distinguished Flying Cross for bravery in action;”
- serving two terms as a Representative in the United States Congress from Texas, serving as Ambassador to the United Nations, Chairman of the Republican National Committee, Chief of the United States Liaison Office in the People's Republic of China, and Director of the Central Intelligence Agency;
- serving as Vice President of the United States from 1981 to 1989; and
- serving as the Forty-First President of the United States.

**Committee Action:** The resolution was referred to the Committee on Government Reform, but was not considered.

**Cost to Taxpayers:** The resolution does not authorize any expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Staff Contact:** Lisa Bos, [lisa.bos@mail.house.gov](mailto:lisa.bos@mail.house.gov), (202) 226-1630

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## **H.Res. 668—Congratulating the Tampa Bay Lightning for winning the 2004 National Hockey League Stanley Cup championship and for their outstanding performance during the entire 2003-2004 (*Davis of Florida*)**

**Order of Business:** The resolution is scheduled for consideration on Monday, June 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 668 resolves that the House:

“(1) congratulates the Tampa Bay Lightning hockey team for winning the 2004 National Hockey League Stanley Cup championship and for their outstanding performance during the entire 2003-2004 season;

“(2) recognizes the achievements of the Tampa Bay Lightning players, coaches, owners, and staff who were instrumental in bringing the Stanley Cup to Tampa Bay; and

“(3) congratulates the Tampa Bay community as it celebrates its second major sports championship in less than two years.”

**Additional Background:** On June 7, 2004, the Tampa Bay Lightning won their first National Hockey League Stanley Cup championship by defeating the Calgary Flames, 4 games to 3. Tampa Bay player Brad Richards was awarded the Conn Smythe Trophy as the most valuable player of the 2004 Stanley Cup playoffs.

More recently, the NHL awarded its 2003-2004 NHL awards, with winger Martin St. Louis winning the Hart Memorial Trophy as league MVP and the Art Ross Trophy as the league’s leading scorer, center Brad Richards winning the Lady Byng Memorial Trophy as most gentlemanly player, and coach John Tortorella winning the Jack Adams award as coach of the year.

**Committee Action:** The resolution was referred to the Committee on Government Reform, but was not considered.

**Cost to Taxpayers:** The resolution does not authorize any expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Staff Contact:** Lisa Bos, [lisa.bos@mail.house.gov](mailto:lisa.bos@mail.house.gov), (202) 226-1630

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**H.Con.Res. 260—Recognizing and honoring the service of those who volunteer their time to participate in funeral honor guards at the interment or memorialization of deceased veterans of the uniformed services of the United States at national cemeteries across the country (Bono)**

**Order of Business:** The resolution is scheduled for consideration on Monday, June 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Con.Res. 260 resolves that Congress “hereby recognizes and honors the service of those outside the active components of the Armed Forces who volunteer their time to participate in funeral honor guards at the interment or memorialization of deceased veterans of the uniformed services of the United States at national cemeteries across the country, as exemplified by the proud work performed by the members of numerous patriotic organizations across the United States.”

**Committee Action:** The resolution was referred to the House Committee on Veterans’ Affairs, but was not considered.

**Cost to Taxpayers:** The resolution authorizes no expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Staff Contact:** Lisa Bos, [lisa.bos@mail.house.gov](mailto:lisa.bos@mail.house.gov), (202) 226-1630

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### **H.R. 4417—To modify certain deadlines pertaining to machine-readable, tamper-resistant entry and exit documents (Sensenbrenner)**

**Order of Business:** The bill is scheduled to be considered on Monday, June 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 4417 would amend the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732) to extend by one year (to October 26, 2005) the deadline for: (1) installing at all U.S. ports of entry equipment and software capable of processing machine-readable, tamper-resistant entry and exit documents and passports that contain biometric identifiers; (2) Visa Waiver Program (VWP) countries to certify that they are issuing machine-readable, tamper-resistant passports that contain biometric and document authentication identifiers comporting with specified standards; and (3) VWP participants who are issued passports on or after the new deadline to present passports that comply with such requirements.

**Additional Background:** To see a list of the VWP countries, visit this webpage: <http://travel.state.gov/vwp.html#2>

**Committee Action:** On May 20, 2004, the bill was referred to the House Judiciary Committee, which took no official action on it.

**Cost to Taxpayers:** The bill would not authorize any new spending.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** A committee report citing constitutional authority is unavailable.

**RSC Staff Contact:** Paul S. Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718

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## **H.Res. 662—Recognizing that Flag Day originated in Ozaukee County, Wisconsin (Sensenbrenner)**

**Order of Business:** The resolution is scheduled for consideration on Monday, June 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 662 resolves that the House:

“(1) urges the people of the United States to study, reflect on, and celebrate the importance of the flag of the United States;

“(2) encourages the people of the United States to display the flag of the United States in accordance with the provisions of chapter 1 of title 4, United States Code; and

“(3) recognizes that Flag Day originated in Ozaukee County, Wisconsin.”

**Additional Background:** On June 14, 1777, the Stars and Stripes was officially adopted as the national flag of the United States. In 1885, Bernard John Cigrand, a schoolteacher from Waubeka, Wisconsin, urged the students at the public school in Fredonia, Wisconsin, to observe June 14 as “Flag Birthday.” On May 30, 1916, President Woodrow Wilson issued a Presidential Proclamation that officially established June 14 as Flag Day and on August 3, 1949, President Truman signed an Act of Congress designating June 14 of each year as National Flag Day.

**Committee Action:** The resolution was referred to the Committee on the Judiciary but was not considered.

**Cost to Taxpayers:** The resolution does not authorize any expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Staff Contact:** Lisa Bos, [lisa.bos@mail.house.gov](mailto:lisa.bos@mail.house.gov), (202) 226-1630

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## **H.R. 4278—Improving Access to Assistive Technology for Individuals with Disabilities Act of 2004 (McKeon)**

**Order of Business:** The bill is scheduled for consideration on Monday, June 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 4278 requires the Secretary of Education to make grants to states to maintain a comprehensive statewide program to maximize the ability of individuals with disabilities to access assistive technology devices and services through both state level activities and state leadership activities, providing two options regarding state use of these funds. (Note: this replaces the current Assistive Technology state grant program that provides seed money to states to create systems to increase access to assistive technology.) Funds may not be used to directly provide an assistive technology device to an individual.

One option requires states to provide support for alternative finance systems and device loan programs and allows the funds to be used for device reutilization programs and device demonstration programs. If a state demonstrates that a sufficient state alternative financing system or device loan program already exists, it may use the funds for other allowable purposes. Up to 40% of the grant may be used for state leadership activities. With these funds, states must support public awareness, communication, information dissemination, and material distribution activities; as well as training and technical assistance activities. Funds may also be used for interagency coordination and indirect costs.

The second option requires states to spend at least 70% of the funds on state level activities and no more than 30% on state leadership activities, but does not specify which individual state level activities must be supported. The same requirements apply for state leadership activities.

H.R. 4278 authorizes \$21.524 million for fiscal year 2005, and such sums as may be necessary for fiscal years 2006 through 2010, for the state grant program and national activities. The bill also reauthorizes the Protection and Advocacy grant program at \$4.419 million for FY05 and such sums through FY10, and the Technical Assistance grant program at \$1.235 million for FY05 and such sums through FY10. These amounts are the same as was appropriated in FY04.

**Additional Background:** The Assistive Technology state grant program was established in 1988 as a 10-year program to provide seed money to enable states to create systems for improving access to assistive technology devices for individuals with disabilities. The program supports states in their development of technology-related activities and initiatives that enhance the ability of individuals with disabilities to access AT devices and services through systems changes, advocacy, and consumer responsiveness. The Assistive Technology Act was last reauthorized in 1998 (passed the House by voice vote).

**Committee Action:** On May 13, 2004, the Subcommittee on 21st Century Competitiveness considered reported H.R. 4278 favorably by voice vote. The full Education and the Workforce Committee considered the bill on May 19, 2004, and reported it to the House by voice vote.

**Possible Conservative Concerns:** Conservatives may have concerns that the bill reauthorizes programs set to sunset. A sunset date of 1998 was included in the original 1988 law for the state grant program and was extended, at the discretion of the Secretary, for three years in the 1998 Assistive Technology Act reauthorization. Funding has still been provided through appropriations despite the sunset provision having taken effect in 2001.

**Administration Position:** The Administration did not request funding for the Assistive Technology state grant program, protection and advocacy grant program, or technical assistance program in either its FY04 or FY05 budget.

**Cost to Taxpayers:** The Congressional Budget Office estimates that appropriations of authorized amounts would result in additional outlays of \$10 million in 2005 and \$113 million over the 2005-2009 period.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** The Education and the Workforce Committee, in House Report 108-514, cites Article I, Section 8, Clause 1 (general welfare).

**Staff Contact:** Lisa Bos, [lisa.bos@mail.house.gov](mailto:lisa.bos@mail.house.gov), (202) 226-1630

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### **H.Res. 643—Congratulating the Brigham Young University men's volleyball team for winning the 2004 National Collegiate Athletic Association Division I-II men's volleyball championship (Cannon)**

**Order of Business:** The resolution is scheduled to be considered on Monday, June 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 643 would resolve that the House “congratulates the Brigham Young University men's volleyball team for winning the 2004 National Collegiate Athletic Association Division I-II men's volleyball championship.”

**Additional Background:** On May 8, 2004, the Brigham Young University men's volleyball team won its third national championship in six years by overcoming a 10-6 deficit in game 5 to defeat Long Beach State University. Tom Peterson, the head coach of the men's volleyball team, became the first men's volleyball coach in the National Collegiate Athletic Association's history to win a national championship with two different schools.

**Committee Action:** On May 17, 2004, the resolution was referred to the Committee on Education and the Workforce, which took no official action on it.

**Cost to Taxpayers:** The resolution would authorize no expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**RSC Staff Contact:** Paul S. Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718

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**H.Con.Res. 62—Expressing the sense of Congress that Katherine Dunham should be recognized for her groundbreaking achievements in dance, theater, music, and education, as well as for her work as an activist striving for racial equality throughout the world (*Rangel*)**

**Order of Business:** The resolution is scheduled to be considered on Monday, June 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Con.Res. 62 would resolve a sense of Congress that “Katherine Dunham should be recognized for her work as a teacher, dancer, choreographer, and actress, for her dedication to improving the opportunities in the arts that are available to the Nation's youth, and for her lifelong commitment to humanitarian causes around the world.”

**Additional Background:** Katherine Dunham was a dancer, choreographer, director on Broadway, and the first black choreographer at the Metropolitan Opera. A political activist as well, Dunham went on a 47-day hunger strike in 1993 to call attention to the welfare of Haitians.

**Committee Action:** On February 27, 2004, the resolution was referred to the Education & the Workforce Committee, and on March 17, 2004, was referred to the Subcommittee on Education Reform. Neither body took official action on the resolution.

**Cost to Taxpayers:** The resolution would authorize no expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**RSC Staff Contact:** Paul S. Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718

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**H.Con.Res. 63—Expressing the sense of Congress that Lionel Hampton should be honored for his contributions to American music (*Rangel*)**

**Order of Business:** The resolution is scheduled to be considered on Monday, June 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Con.Res. 63 would resolve a sense of Congress that “Lionel Hampton should be honored for his contributions to American music and for his work as an ambassador of goodwill and democracy.”

**Additional Background:** Lionel Hampton was a jazz musician who, according to the resolution, “shattered the racial barriers of his time when he was recruited to perform with the Benny Goodman band in the 1930s, creating for the first time an integrated public face of jazz music.”

**Committee Action:** On February 27, 2004, the resolution was referred to the Education & the Workforce Committee, and on March 17, 2004, was referred to the Subcommittee on Education Reform. Neither body took official action on the resolution.

**Cost to Taxpayers:** The resolution would authorize no expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**RSC Staff Contact:** Paul S. Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718

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## **H.Res. 66—Supporting responsible fatherhood and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day (Sullivan)**

**Order of Business:** The resolution is scheduled to be considered on Monday, June 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.Res. 66 would resolve that the House:

- “urges men to understand the level of responsibility fathering a child requires, especially in the encouragement of the moral, academic, and spiritual development of children;
- “encourages active involvement of fathers in the rearing and development of their children, including the devotion of time, energy, and resources to his children, recognizing that children need not only material support, but even more importantly, a secure and nurturing family environment;
- “urges mothers to encourage fathers to play an active role in child-rearing;
- “commends the millions of fathers who serve as wonderful, caring parents for their children;

- “calls on fathers across the Nation to use Father's Day to reconnect and rededicate themselves to their children's lives, to spend Father's Day with their children, and to express their love and support for their children; and
- “urges institutions and government entities at every level to promote public policies that encourage and support, and remove barriers to, responsible fatherhood.”

**Additional Background:** Father’s Day is June 20, 2004.

**Committee Action:** On February 11, 2004, the resolution was referred to the Education & the Workforce Committee, and on March 3, 2004, was referred to the Subcommittee on Education Reform. Neither body took official action on the resolution.

**Cost to Taxpayers:** The resolution would authorize no expenditure.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**RSC Staff Contact:** Paul S. Teller, [paul.teller@mail.house.gov](mailto:paul.teller@mail.house.gov), (202) 226-9718

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## **H.R. 3504—To amend the Indian Self-Determination and Education Assistance Act to redesignate the American Indian Education Foundation as the National Fund for Excellence in American Indian Education (Renzi)**

**Order of Business:** The bill is scheduled for consideration on Monday, June 14<sup>th</sup>, under a motion to suspend the rules and pass the bill.

**Summary:** H.R. 3504 amends the Indian Self-Determination and Education Assistance Act to redesignate the American Indian Education Foundation as the National Fund for Excellence in American Indian Education.

**Additional Background:** The Omnibus Indian Advancement Act (Public Law 106-568) directed the Secretary of the Interior to establish a charitable, non-profit foundation called the “American Indian Education Foundation.” The goal of this foundation is to further the educational opportunities of American Indians who attend a Bureau of Indian Affairs-funded school. It was subsequently discovered that an existing non-profit already uses the name “American Indian Education Foundation” and holds a trademark to the name. The name of the entity established by Public Law 106-568 must therefore be changed by an Act of Congress because it cannot incorporate under its statutorily given name.

**Committee Action:** H.R. 3504 was referred to the Committees on Resources and Education and the Workforce. On May 5, 2004, the Resources Committee favorably reported to the House by unanimous consent. The Education and the Workforce Committee has not considered the bill.

**Cost to Taxpayers:** The Congressional Budget Office estimates that H.R. 3504 would have no effect on the federal budget.

**Does the Bill Create New Federal Programs or Rules?:** No.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** The Resources Committee, in House Report 108-510, cites Article I, Section 8, but fails to cite a specific clause.

**Staff Contact:** Lisa Bos, [lisa.bos@mail.house.gov](mailto:lisa.bos@mail.house.gov), (202) 226-1630

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## **H.R. 4061 — Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2004 (*Lee*)**

**Order of Business:** The bill is scheduled for consideration on Monday, June 14, 2004, under a motion to suspend the rules and pass the bill, with an amendment. According to the International Relations Committee, the bill as reported will be replaced with a substitute text. This legislative bulletin is based on the substitute text.

**Summary:** The bill authorizes the creation of Office for Orphans and Other Vulnerable Children within the U.S. Agency for International Development (USAID) to implement a 10% orphans and vulnerable children (OVC) set-aside in the Global AIDS bill (P.L. 108-25) and to coordinate other orphans and vulnerable children funds. H.R. 4061 authorizes such sums as may be necessary to establish this new USAID office and states that to the maximum extent practicable assistance shall be provided “for the direct benefit to orphaned and vulnerable children.” The bill requires USAID to work with the U.S.’s Global AIDS Coordinator and caps the administrative expenses at seven percent. The bill recognizes the contributions of private voluntary organizations (PVOs), including faith-based organizations, and includes a requirement that not less than 60% of the OVC funds under the HIV/AIDS appropriation should be provided through U.S. or indigenous PVOs “that implement programs on the community level.”

H.R. 4061 also requires the President to create a system for monitoring assistance to orphans and vulnerable children and to provide detailed reports to the Congress on such assistance.

The bill authorizes as eligible for orphans and vulnerable children:

- (1) basic care;
- (2) treatment assistance (including medication and medical personnel training);
- (3) mental health services and psychosocial support;
- (4) international school food programs;

- (5) employment training and educational assistance (funds non-governmental organizations and international organizations to facilitate the removal of school fees for public school attendance—while prohibiting funds from paying school fees); and
- (6) the protection and promotion of inheritance rights.

**Committee Action:** The bill was introduced on March 30, 2004, and referred to the House Committee on International Relations. The committee considered the bill and reported it to the full House on May 5.

**Cost to Taxpayers:** The substitute text includes a new provision with an administrative cap of seven percent, and a revised CBO cost-estimate based on this revision is unavailable. CBO estimated that the new USAID office established in the *reported* bill would require a staff of between 30 to 45 personnel, of which 15 would be new positions, with a cost of \$2 million each year to operate the office. The bill is “budget neutral” because it authorizes funds from the Global HIV/AIDS OVC set-aside and other authorized OVC funds to go for administration of this office and its programs.

**Does the Bill Create New Federal Programs or Rules?:** The bill establishes an office to implement a program already authorized, and adds a number of new requirements and functions for OVC funds.

**Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?:** No.

**Constitutional Authority:** The International Relations Committee, in Report 108-479, finds the authority in Article I, Section 8, Clause 18 of the Constitution (relating to making all laws necessary and proper for carrying into execution powers vested by the Constitution in the Government of the United States).

**Staff Contact:** Sheila Moloney, [sheila.moloney@mail.house.gov](mailto:sheila.moloney@mail.house.gov); 202-226-9719.